

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5140 of 2021

Arising Out of PS. Case No.-178 Year-2020 Thana- GURUA District- Gaya

Arjun Chaudhary aged about 45 years (Male) Son of Late Tilak Chaudhary
Resident of Village-Auradih, P.S.-Gurua, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr.Adv. Mr. Vishwa Ranjan Choudhary
For the Opposite Party/s	:	Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 22-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Gurua P.S. Case No. 178 of 2020, registered for the offence under Sections 341, 323, 302, 504/34 of the Indian Penal Code.

As per the prosecution case, this petitioner alongwith co-accused Akhilesh Chaudhary gave iron rod blow on the head of husband of the informant, as a result of which, he fell down and during course of treatment, died.

It is submitted on behalf of petitioner that there was no intention or motive to commit the crime. Petitioner is full brother of the deceased and due to some quarrel between the children of the family, the occurrence took place. There is general and omnibus allegation and petitioner is not the author of the injury. It is further submitted that *post-mortem* report



does not support the prosecution case, as only one injury has been found by the doctor. Petitioner is in custody since 30.09.2020.

However, learned A.P.P. for the State has opposed the bail petition and submitted that there is specific allegation of assault against this petitioner, which resulted into death of the deceased. Doctor has found multiple injuries on the person of the deceased and cause of death is head injury.

Considering the aforesaid facts & circumstances, materials available on record and specific allegation against the petitioner, I am not inclined to grant him bail and same is, accordingly, rejected.

(Prabhat Kumar Singh, J.)

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